

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2019-390-E**

IN RE: Ganymede Solar, LLC,)	
)	
v.)	GANYMEDE SOLAR, LLC'S OBJECTIONS/RESPONSES TO COMPANY'S FIRST SET OF DISCOVERY REQUESTS
)	
Dominion Energy South Carolina, Incorporated)	
)	
	Respondent.)	

TO: J. ASHLEY COOPER, ESQUIRE, ATTORNEY OF RECORD FOR DOMINION ENERGY SOUTH CAROLINA, INCORPORATED:

Pursuant to this Commission's Reg. 103-833, and Rules 26 and 34 of the South Carolina Rules of Civil Procedure, Ganymede Solar, LLC, (hereinafter as, "Ganymede"), by and through its undersigned counsel, responds and objects to Dominion Energy South Carolina, Incorporated's (hereinafter as, the "Company" or "DESC") First Set of Discovery Requests.

Ganymede craves reference to its Motion for Protective Order, recently e-filed in this Docket, as if that Motion for Protective Order was set forth herein verbatim. The relief sought in Ganymede's Motion is an additional ground for its objections to the Company's Discovery Requests, in that the relief sought in Ganymede's Motion will make the Company's Discovery Requests moot.

GENERAL OBJECTIONS

1. Ganymede, reserving all rights in general and specifically those rights related to its Petition, now amended, its Motion to Maintain Status Quo, now pending and its Motion for a Protective Order, makes the following General Objections to the Discovery Requests of DESC, listed hereinbelow, in paragraph "18".

2. Ganymede objects to the Requests to the extent they seek any information that is privileged from disclosure under the attorney-client privilege or the work-product doctrine, or that is protected from disclosure on the basis of some other privilege or other grounds. Documents subject to any applicable privilege or protection will not be produced. To the extent such privileged or protected documents are ever produced, the production was inadvertent and shall not constitute a waiver of such privilege or protection by Ganymede.

3. Ganymede further objects to the Requests to the extent that they seek information that constitutes the actual work product or hearing preparation material of Ganymede's attorneys or any other representatives, or reflects the mental impressions, conclusions, opinions or legal theories of Ganymede's attorneys or other representatives.

4. Ganymede objects to the Requests to the extent the Requests call for information or the identification or production of documents not within the applicable scope of discovery in this action, not relevant to the subject matter of this action, not reasonably calculated to lead to the discovery of admissible evidence in the action and/or to the extent they call for documents which are not available after reasonable inquiry.

5. Ganymede objects to the extent the Requests seek information that is in the possession of DESC, or which is not in the possession, custody, or control of Ganymede.

6. Ganymede objects to the Requests to the extent that the Requests are overly broad or overly inclusive and/or they call for extensive research, investigation, information or identification of documents which would subject Ganymede to annoyance, embarrassment, oppression, harassment or undue burden or expense, including without limitation, Requests that purport to require production of "all documents relating to" certain subjects, events or information. Terminology of this sort, including without limitation, "documents," "showing," and "relating to," is overly broad, unduly vague, and ambiguous because the information sought would appear to encompass documents or information only remotely related to the dispute. It would be unduly burdensome for Ganymede to review each document in its files, or to interview every person employed by or otherwise known to Ganymede to ensure that Ganymede has not overlooked any minor documents or facts marginally related to the Requests.

7. Ganymede objects to the Requests to the extent they require Ganymede to take action other than a reasonable search for persons with knowledge responsive to the Requests or documents responsive to the Requests maintained in its possession, custody or control in locations where such documents are most likely to be found.

8. Ganymede objects to the Requests to the extent that the Requests and any instructions exceed the requirements and scope of permissible discovery under Rules of the Public Service Commission of South Carolina or the South Carolina Rules of Civil Procedure.

9. Ganymede construes these Requests as limited to seeking documents and things currently within its possession, custody, or control. Ganymede, therefore, objects to the extent that these Requests seek documents or things in the possession, custody, or control of third parties over whom Ganymede has no control, including past or current employees.

10. Ganymede objects to the Requests to the extent they seek to define terms and/or characterize evidence in this matter. To the extent Ganymede adopts any term used by DESC in the Requests, such adoption is solely limited to the objections and responses herein, and does not constitute an admission of law or fact by Ganymede and in fact, Ganymede expressly disclaims any such admission. Any future response that documents will be produced is not a representation that such documents exist or are in Ganymede's possession, custody, or control, but only that such documents, if any, will be produced if they do exist, are responsive, are not privileged, and are found in Ganymede's possession, custody, or control based on a reasonable search.

11. If Ganymede provides responses to the Requests, it will respond as it interprets and understands them. If DESC subsequently asserts an interpretation of any Request differing from Ganymede's understanding, Ganymede reserves the right to supplement its objections and responses.

12. Ganymede objects to the Requests on the ground that it has not concluded discovery, investigation, or analysis of all the facts of this case, and has not completed preparation for the hearing. Accordingly, future responses may be provided without prejudice to Ganymede's right to introduce at the hearing any evidence that is subsequently discovered relating to proof of presently known facts and to produce and introduce all evidence whenever discovered related to the proof of subsequently discovered material facts in this action, and Ganymede expressly reserves the right to amend or supplement future responses.

13. Ganymede reserves the right to reference, discover, or offer into evidence at the time of hearing any and all facts, documents, and things notwithstanding any responses and objections interposed herein. Ganymede further reserves the right to reference, discover, or offer into evidence at the time of hearing any and all facts, documents, and things which are not presently recalled or perfectly understood but may be recalled or more thoroughly understood at some time in the future.

14. Ganymede objects to these Requests to the extent they seek confidential and proprietary information. Such confidential and proprietary information may be produced subject to the terms of an acceptable Confidentiality Agreement to be executed by Ganymede and DESC.

15. Ganymede further objects to the Requests to the extent that they are not limited by an appropriate time frame and thus are overly broad and unduly burdensome as worded.

16. Ganymede reserves the right in the future to supplement and/or amend its objections and responses to any Discovery Requests.

17. All responses set forth by Ganymede in the future, if any, will be subject to these General Objections. The General Objections, or some portion thereof, may be specifically referred to or restated in a response for the purpose of clarity. A failure to specifically incorporate a General Objection shall not be construed as a waiver of the General Objection.

18. Ganymede in incorporating its Motion for Protective Order by reference, and also incorporating the General Objections hereinabove, specifically objects, to the Requests for Admissions, Interrogatories and Requests for Production, which Discovery Requests are inappropriate and represent an undue burden by expense, as being inappropriate and objected to for the reasons set forth in Ganymede's Motion for Protective Order, and repeated herein.

19. Ganymede in incorporating its Motion for Protective Order by reference, and also incorporating the General Objections hereinabove, specifically answers and hereby objects to each and every Requests for Admissions as being inappropriate and objected to for the reasons set forth in Ganymede's Motion for Protective Order, with these answers and objections being filed and served upon the Company prior to the due date of an answer to the Requests for Admissions.

[Signature Page Follows]

Respectfully Submitted,

/s/Richard L. Whitt,

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As Counsel for Ganymede Solar, LLC.

February 4, 2020
Irmo, South Carolina